

5.0 REGULATORY COMPLIANCE

5.1 FEDERAL REQUIREMENTS

This EA was prepared in accordance with the NEPA, the CEQ regulations, and the DOE's NEPA Implementing Procedures. A brief summary of key laws, regulations, executive orders, Federal permits, and licenses that may be applicable to the proposed project is provided in the following paragraphs.

5.1.1 Environmental Policy

The NEPA of 1969 (42 United States Administrative Code [U.S.C.] p. 4321 *et seq.*) establishes a national policy to encourage harmony between man and his environment and to promote efforts to prevent, mitigate, or eliminate damage to the environment and stimulate the health and welfare of man. NEPA procedures ensure that environmental information related to Federal action is made available to public officials and citizens, and that the environmental information, along with public input, is considered in the Federal decision-making process.

Executive Order 11514, Protection and Enhancement of the Environmental Quality, as amended by Executive Order 11991, sets policy for directing the Federal government in providing leadership in protecting and enhancing the quality of the Nation's environment. The CEQ Regulations (40 CFR 1500 to 1508) implement the procedural provisions of the NEPA. DOE's NEPA Implementing Procedure (10 CFR 1021) establishes the specific procedural requirements for DOE implementation of NEPA.

5.1.2 Biological Resources

The Endangered Species Act (16 U.S.C. 1531 – 1544) requires Federal agencies to determine the effects of their actions on threatened or endangered species of fish, wildlife, and plants, and their critical habitats and to take steps to conserve and protect these species. Executive Order 11990, Protection of Wetlands, requires Federal agencies to take action to avoid or minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands.

5.1.3 Public Health

Executive Order 12088, Federal Compliance with Pollution Control Standards, directs Federal agencies to comply with Federal, state and local laws and regulations concerning air, water, noise pollution, and hazardous materials and substances to the same extent as any private party.

5.1.4 Environmental Justice

Executive Order 12898, requires that each Federal agency make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority or low income populations.

5.1.5 National Historic Preservation Act – Section 106 Compliance

Cultural resources (archaeological and historical sites and structures) must be examined according to Section 106 of the National Historic Preservation Act and implementing regulations at 36 CFR 800, in addition to review under NEPA. Significant historical and archaeological properties and sites that may be impacted by a proposed action or alternatives must be identified. Significant sites are defined as those listed on, or determined eligible for listing on, the National Register of Historic Places (NRHP).

The Oklahoma State Historic Preservation Officer (SHPO) must be consulted regarding impacts to significant resources and means to mitigate the impact, if necessary. If significant resources are identified and potential impacts defined, any necessary mitigation measures are stipulated in a Memorandum or Agreement. Depending on the resources encountered, Native American Indian groups may also be consulted.

5.16 Toxic Substances Control Act

The Toxic Substances Control Act mandates EPA approval of manufactured or imported chemical substances that could potentially pose an environmental or human health hazard. Fuels produced from a GTL plant would constitute chemical substances for which EPA review, screening, and tracking would be implemented.

5.17 Resource Conservation and Recovery Act

This Act provides authority for EPA to control hazardous substances from “cradle to grave.” Regulatory requirements under the Act cover generation, transportation, treatment, storage, and disposal of hazardous waste, and management of non-hazardous waste.

5.2 STATE REQUIREMENTS

- OAC 252:100-3 (Air Quality Standards and Increments)
Air emissions shall not cause exceedences of National Ambient Air Quality Standards on land outside the permitted facility.
- OAC 252:100-4 (New Source Performance Standards)
Federal regulations at Title 40, Code of Federal Regulations, Part 60, have been adopted by the State of Oklahoma.
- OAC 252:100-5 (Registration, Emission Inventory, and Annual Operating Fees)
An annual inventory of air emissions must be filed with the State of Oklahoma DEQ.
- OAC 252:100-7 (Permits for Minor Facilities)
Construction permit # 2001-006-C was issued to Syntroleum Corporation on July 2, 2001, by the Oklahoma DEQ, as authorization to construct the proposed gas-to-liquids fuels production and demonstration plant at Catoosa, Oklahoma.
- OAC 252:100-7-18(a) (Permits for Minor Facilities)
The recipient of a construction permit must apply for a permit to operate within 60 days following the first day of operation.
- OAC 252:100-19 (Control of Emission of Particulate Matter)
Particulate emissions from new fuel-burning equipment with heat input of 10 MM Btu/hr or less shall not exceed 0.6 lb/MM Btu.
- OAC 252:100-25 (Smoke, Visible Emissions and Particulates)
Discharges exceeding 20% opacity shall not be permitted, except for limited, short-duration occurrences.

- OAC 252:100-29 (Control of Fugitive Dust)
No visible fugitive dust that damages or interferes with use of adjacent properties or that causes air quality standards to be exceeded shall be discharged.
- OAC 252:100-31 (Control of Emission of Sulfur Compounds)
Sulfur oxide emissions from new gas-fired fuel burning equipment shall not exceed 0.20 lb/MM Btu heat input.
- OAC 252:100-33 (Control of Emission of Nitrogen Oxides)
Nitrogen oxide emission limits are established for new fuel burning equipment that has a rated heat input of 50 MM Btu/hr or greater. Since the fuel burning equipment in the proposed facility would be substantially smaller in size, this regulation would not apply.
- OAC 252:100-37-15(b) (Control of Emission of Volatile Organic Compounds)
Volatile organic compound (VOC) storage tanks containing a liquid with a vapor pressure of 1.5 psia or greater and with capacities exceeding 400 gallons shall be equipped with a permanent submerged fill pipe or an organic material vapor recovery system.
- OAC 252:100-37-36 (Control of Emission of Volatile Organic Compounds)
All fuel-burning equipment shall be properly operated and maintained to minimize VOC emissions.
- OAC 252:100-41 (Control of Emission of Hazardous Air Pollutants and Toxic Air Contaminants)
Sources of low toxicity substances with *de minimus* emissions of 6 tpy, but not to exceed a maximum rate of 5.6 lb/hr, are exempt.
- OAC 252:520 (Solid Waste Management)
Requirements for management, including generation, collection, transport, or disposal of solid waste, including non-hazardous industrial waste and hazardous waste, are established. Generators disposing of more than 10 cubic yards of non-hazardous industrial waste in a calendar month are required to maintain a tracking document for each transported load of waste. Regulations require that no hazardous waste shall be disposed in any solid waste disposal facility in Oklahoma.
- OAC 252:605 (Discharge Standards)
Standards are established for point source and stormwater discharges to waters of the State of Oklahoma, including implementation of the Oklahoma Pollutant Discharge Elimination System (OPDES). New discharges of stormwater from an industrial activity to waters of the State are prohibited, except as authorized by an individual OPDES permit or an authorization under an Oklahoma General Stormwater permit. The State of Oklahoma has adopted the Federal stormwater regulations, which provide that an oil or gas processing facility is not subject to stormwater permit requirements, unless, for example, the facility has experienced a discharge of a reportable quantity of material (40 CFR Part 122.26(c)(1)(iii)).

5.3 LOCAL REQUIREMENTS

- The Tulsa Port of Catoosa has established Building and Development regulations. These regulation are incorporated into leases for Industrial Park sites and can be viewed at 'www.tulsaairport.com/f.indsite.html'